



DPW 1636

ATTORNEY'S DOCKET NO.: 2004647-0003 (was CEL-004)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gardner *et al.* Examiner: Leffers, G.
Serial No.: 09/872,338 Art Unit: 1636
Filed: June 1, 2001
For: MULTI-STATE GENETIC OSCILLATOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:


TRANSMITTAL LETTER

Enclosed are the following documents:

1. Transmittal Letter (1 page);
2. Appointment of Attorney (1 page);
3. Written Assertion of Small Entity Status (1 page);
4. Establishing Right of Assignee to Take Action (2 pages); and
5. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

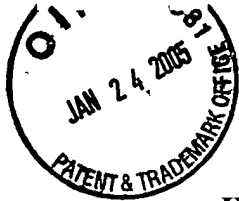
Respectfully submitted,


Monica R. Gerber, M.D., Ph.D.
Registration No. 46,724

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000

Dated: Jan. 21, 2005

Certificate of Mailing	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.	
<u>1-21-05</u>	<u>Sandra Saccoccia</u>
Date	Signature
_____ Typed or Printed Name of person signing certificate	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gardner, *et al.*

Examiner: Leffers, G.

Serial Number: 09/872,338

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Attorney Docket: 2004647-0003
(Formerly CEL-004)

Title: MULTI-STATE GENETIC OSCILLATOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPOINTMENT OF ATTORNEY

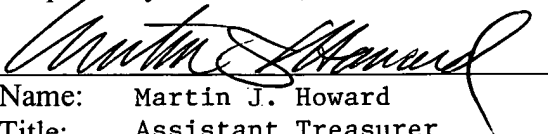
The undersigned hereby appoints:

The attorneys/agents associated with **Customer No. 24280** as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to:

Monica R. Gerber
Patent Department
Choate, Hall & Stewart
Exchange Place, 53 State Street,
Boston, Massachusetts 02109

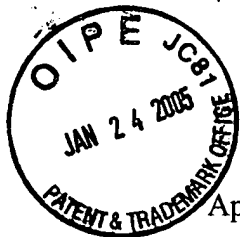
Respectfully Submitted,



Name: Martin J. Howard
Title: Assistant Treasurer

Date: 1/4/05

On Behalf of: Trustees of Boston University



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gardner, *et al.*

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Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION
(37 CFR § 3.73(b))

The inventors of the above-referenced United States patent application have assigned their entire right, title, and interest in the inventions disclosed therein according to the following table:

Inventor	Assignee
Timothy S. Gardner	Trustees of Boston University
James J. Collins	Trustees of Boston University

Thus, the Assignee of the inventors' entire right, title, and interest are:

Trustees of Boston University

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:


_____ documents already recorded in the PTO on _____.

Reel _____ Frame _____; and

X documents separately submitted for recordal to the PTO (a copy of these documents are attached).

STATEMENT

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: _____ Name: <u>Martin J. Howard</u> Title: <u>Assistant Treasurer</u>	Trustees of Boston University 	<u>1/4/05</u>



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Applicant: Gardner, *et al.*

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(Formerly CEL-004)

Title: MULTI-STATE GENETIC OSCILLATOR

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Sir:

WRITTEN ASSERTION OF SMALL ENTITY STATUS
UNDER 37 CFR §1.27(a)(3)
NON-PROFIT ORGANIZATION

The undersigned hereby asserts entitlement to small entity status as a non-profit organization under 37 CFR §1.27(a)(3) on behalf of Trustees of Boston University.

This assertion is made on the ground that Trustees of Boston University is either:

(a) a university or other institution of higher education located in any country;

(b) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 USC §501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 USC §501(a));

(c) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 USC §201(i)); or

(d) any nonprofit organization, located in a foreign country, that would qualify as a nonprofit organization under paragraphs (b) or (c) above if it were located in this country,

and *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27.

Respectfully Submitted,

Name: Martin J. Howard
Title: Assistant Treasurer
Date: 1/4/05

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, James J. Collins of Newton Centre, Massachusetts, and Timothy S. Gardner, of Needham, Massachusetts, hereby


Sell, assign and transfer to **Trustees of Boston University**, having a place of business at **One Sherborn Street, Boston, MA 02215**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, their entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed **June 1, 2001**, **Serial No. 09/872,338** entitled "**MULTI-STATE GENETIC OSCILLATOR**" and in and to said application and all divisional, continuing, substitute, renewal, reexamination, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original, reissued, and reexamination patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reexamination, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to them relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by them, and that full right to convey the same as herein expressed is possessed by them.

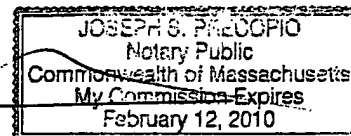
IN WITNESS WHEREOF, I hereto set my hand and seal at 44 CUMMINGTON, SUFFOLK, MA
this 15 day of DECEMBER, 2004


Timothy S. Gardner

STATE OF MASS SS.
COUNTY OF SUFFOLK

On this 15 day of DECEMBER 2004, before me, the undersigned notary public, personally appeared Timothy S. Gardner, proved to me through satisfactory evidence of identification, which were MA DRIVER, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.


NOTARY PUBLIC




[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this 15 day of DECEMBER, 2004

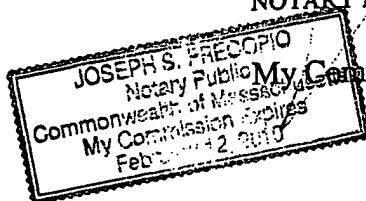

James J. Collins


STATE OF MASS SS.
COUNTY OF Suffolk

On this 15 day of Dec, 2004, before me, the undersigned notary public, personally appeared James J. Collins, proved to me through satisfactory evidence of identification, which were MA DRIVER, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.


NOTARY PUBLIC

[Notary's Seal Here]



My Commission Expires: